

**MINUTES OF THE
CITY PLANNING COMMISSION
MARCH 2, 2007
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Mooney called the meeting to order at 9:07 a.m.

Commission Members:

Present: Donald Mooney, James Tarbell, Milton Dohoney, Rainer vom Hofe, John Schneider and Caleb Faux. (Mr. Faux arrived at 9:11 a.m.)

Community Development and Planning Staff: Margaret Wuerstle, Bonnie Holman, Katherine Keough-Jurs, Rodney Ringer, Felix Bere, Adrienne Cowden and Jennifer Walke.

Law Department:

Julia Carney

Economic Development Department:

Patrick Ewing

APPROVAL OF MINUTES

Submission of the minutes from the February 16, 2007 Planning Commission meeting for approval.

Motion:	Mr. vom Hofe moved approval of minutes.
Second:	Mr. Dohoney
Ayes:	Mr. Mooney, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays:	None, motion carried

CONSENT ITEMS

ITEM #1 A report and recommendation on an ordinance authorizing the sale of two parcels of real property in the vicinity of Red Bank Road and Murray Avenue in the Village of Fairfax, notwithstanding the provisions of Chapter 331 of the Cincinnati Municipal Code.

ITEM #2 A report and recommendation on an ordinance authorizing the City Manager to enter into and execute a rental agreement with Wegman

Investments, LTD., for property located at 3120 Warsaw Avenue in the community of East Price Hill.

ITEM #3 A report and recommendation on an ordinance authorizing the City Manager to enter into Amendment No. 2 with Broadway Development 2001, Ltd. for the City-owned property at Seventh Street and Broadway Avenue.

Motion: Mr. Tarbell moved approval of Consent Items #1 -3.
Second: Mr. Dohoney
Ayes: Mr. Mooney, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays: None, **motion carried**

DISCUSSION ITEMS

ITEM #4 A report and recommendation on proposed amendments to the Lower Price Hill Industrial Area Urban Renewal Plan in the community of Lower Price Hill.

Ms. Adrienne Cowden, Senior Planner presented this item.

Mr. Faux arrived at 9:11 a.m.

BACKGROUND

In June 2003, the City Planning Commission and City Council adopted the Lower Price Hill Industrial Area Urban Renewal Plan (Ordinance No. 0243-2003) as the City's planning guide for Lower Price Hill and as the City's Urban Renewal Plan for the elimination of blight in the Lower Price Hill Industrial Urban Renewal Area. Kinzelman Kline Gossman prepared the plan in cooperation with the former City Planning Department. The Department of Transportation & Engineering's Office of Architecture and Urban Design prepared the Blight Study.

According to § 725-19 of the Cincinnati Municipal Code: "the City Manager or any person interested may petition Council to modify an urban renewal plan. Such petition shall be in writing and shall state in detail the modification desired. Upon receipt of such petition, Council shall refer it to the City Planning Commission for its recommendation. The City Planning Commission shall either approve or disapprove modification and return the petition to Council, together with its recommendation."

On January 3, 2007, the City of Cincinnati's Strategic Program for Urban Redevelopment (SPUR) team requested that the Lower Price Hill Industrial Area Urban Renewal Plan be amended. As discussed at prior City Planning Commission meetings MetroWest is a \$25 million project that will renew approximately 18 acres of contaminated underutilized

industrial land in Lower Price Hill, including the former Queen City Barrel property, into approximately 250,000 square feet of new light manufacturing, flexible warehouse and office space. The City is applying for a Clean Ohio Revitalization Fund (CORF) grant to remediate environmental hazards on the site. This highly competitive application process favors projects that have been specifically identified in a plan adopted or updated in the past three years. The CORF application is due in April 2007; by this time, the Urban Renewal Plan will be almost four years old.

COMMUNITY RESPONSE

City staff and representatives from MetroWest I, LLC, the developer selected for the project, presented the MetroWest proposal to the Lower Price Hill Community Council on Monday, February 5, 2007. At this meeting, City staff and MetroWest I, LLC committed to working with the Lower Price Hill Community Council, stakeholders and property owners to keep them up-to-date on the status of MetroWest. On February 13, 2007, staff forwarded the proposed amendment to the Lower Price Hill Community Council, for its review and comment. A response is pending.

DISCUSSION

An Urban Renewal Plan represents the City's official guide for redevelopment within the Urban Renewal boundary. It is a requirement that the City's administration as well as elected and appointed bodies follow the recommendations set out in the plan.

Over time it is reasonable to expect that conditions within an Urban Renewal boundary may change. Unexpected opportunities or delays may also arise following the adoption of these plans. In such situations, it is appropriate to amend an Urban Renewal Plan to support any changes and/or new opportunities. Staff believes this is the case with MetroWest.

The proposed amendment is unusual in that it will not modify the Urban Renewal Plan's original goals and objectives. Instead the amendment describes and incorporates a specific project – MetroWest – that meets a number of the Urban Renewal Plan's short- (1-2 years) and near-term (3-6 years) recommendations and reaffirms the development strategy outlined for this industrial area. As indicated above, the MetroWest project will remediate environmental hazards and result in the construction of new light industrial/office buildings in the City limits. When completed the developer estimates that the project will create a minimum of 400 jobs that will benefit the Lower Price Hill community and the City as a whole. It is the SPUR team's hope that MetroWest will catalyze further redevelopment and investment in Lower Price Hill. Finally, updating the plan will add important points to the City's CORF application, making it more competitive and increasing the City's chance of receiving a grant.

RECOMMENDATION: The staff of the Department of Community Development & Planning recommended that the City Planning Commission take the following action:

Approve the amendments to the Lower Price Hill Industrial Area Urban Renewal Plan in Lower Price Hill.

DISCUSSION

Ms. Adrienne Cowden gave a brief overview and presented a map of the Lower Price Hill Industrial Area Urban Renewal Plan and the \$25 million MetroWest project. She stated that the project included the former Queen City Barrel property. She explained that the City has applied for a grant to remediate environmental hazards on the site and the amendments to the Lower Price Hill Industrial Area Urban Renewal Plan will provide much needed points to the application. The Plan was presented to the Lower Price Hill Community Council and that they responded the day before the Planning Commission meeting. Ms. Cowden distributed copies of the correspondence to the Commission members. She stated that Mr. Robert Rainey, President of the Lower Price Hill Community Council, stated in his letter that the Council was concerned about the Body Coat business located near the CPS Oyler Community Learning Center. He indicated that the Community Council would not support the proposed amendments until specific plans are presented to address the Body Coat business. Ms. Cowden stated that due to the upcoming deadline for the grant staff has focused on the MetroWest project. She added that the grant is an enormous opportunity for the community.

Mr. Mooney indicated that he agreed with staff recommendations.

Mr. Tarbell asked if the Oyler Community Learning Center was interested in the Body Coat property. Ms. Cowden answered that they could possibly use it for green space and/or parking. Mr. Tarbell stated that he was very impressed with the Oyler programs and asked why their needs weren't being addressed. Ms. Cowden stated that due to the limited time frame MetroWest was the priority.

Ms. Katherine Keough-Jurs, Senior Planner, stated that she was the liaison to CPS. She stated that the Lower Price Hill Industrial Area Urban Renewal Plan initiated the mentoring program at Oyler. She said one of the goals of the Plan was to benefit the lives of people living in the nearby residential areas. In regards to the Body Coat site, CPS would like to purchase the site but does not have the financial means. She added that currently there is no appropriate local site to which Body Coat could relocate.

Mr. Bill Fischer, Community Development and Planning, stated that if forced to relocate, Body Coat might move out of the City. He stated that staff did not feel that would be beneficial to the community.

Mr. Schneider stated that businesses look for rail spurs and asked if the railroad tracks in the area were active. Ms. Cowden stated that the tracks were active but that they did not affect the MetroWest plan.

Motion:	Mr. Mooney moved approval of Item #4.
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Mr. Mooney, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays:	None, motion carried

OTHER BUSINESS

ITEM #5 Hamilton County Regional Planning Commission Planning Partnership, 2007 Representatives.

DISCUSSION

Ms. Wuerstle, Chief Planner, stated that there was an opening for a representative for the Hamilton County Regional Planning Commission Planning Partnership due to the departure of Ms. Deborah Holston.

Mr. Mooney asked if the administration had a candidate in mind and Ms. Wuerstle suggested Ms. Katherine Keough-Jurs, who has been the alternate for several years. Mr. vom Hofe asked about the frequencies of the meetings and stated that he was interested in serving as a member.

Mr. Mooney stated that it was beneficial to have another viewpoint from people outside the City administration. Mr. Tarbell stated that the Regional Planning Commission presently had a better urban perspective than in the past.

Ms. Wuerstle stated that she would like to step down from the Regional Planning Commission and allow Mr. vom Hofe to take her place and Ms. Keough-Jurs could replace Ms. Holston.

Motion:	Mr. Mooney moved nomination of Mr. vom Hofe and Ms. Keough-Jurs as members of the Hamilton County Regional Planning Commission Planning Partnership.
Second:	Mr. Tarbell
Ayes:	Mr. Faux, Mr. Mooney, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays:	None, motion carried

OTHER BUSINESS

Mr. Rodney Ringer, Senior Planner, distributed copies of the Northside Comprehensive Land Use Plan. Ms. Wuerstle explained that the Plan would be presented at the next Planning Commission meeting and she wanted to give the Planning Commissioners ample time to review it before the March 16th meeting.

Mr. Faux stated that he has been on the Zoning Board of Appeals for the past seven years and has recently been appointed Executive Director of the Hamilton County Democratic Party. In this new position, he will be working closely with Attorney Tim Burke, who is the Hamilton County Democratic Party Chairman. Mr. Faux said that since Mr. Burke represents many clients that appear before the Zoning Board of Appeals his ability to function as a member would be impeded. He asked the Planning Commission to appoint

a person to take his place. He added that the next Zoning Board of Appeals meeting would be March 19, 2007 at 9:00 a.m.

Mr. Mooney suggested that if none of the Planning Commission members were able to commit to attending every meeting perhaps several members could share the position. Ms. Julia Carney, of the City Law Department stated she would research the matter and inform the Commission by E-mail of the results before the next meeting. Mr. Mooney also asked her to research whether the position must be filled by a non-City Council member of the Commission.

OTHER BUSINESS

Motion: Mr. Tarbell moved to re-open Item #3 for discussion and consideration.
Second: Mr. Mooney
Ayes: Mr. Faux, Mr. Mooney, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays: None, **motion carried**

ITEM #3 A report and recommendation on an ordinance authorizing the City Manager to enter into Amendment No. 2 with Broadway Development 2001, Ltd. for the City-owned property at Seventh Street and Broadway Avenue.

BACKGROUND:

The City and Broadway Development 2001, Ltd. (Redeveloper) entered into a Lease Agreement for Private Redevelopment on March 29, 2002 which grants to the Redeveloper certain Air Rights over a City-owned garage. The City and Redeveloper entered into Amendment No. 1 to the Lease Agreement (“Amendment No. 1”) as of April 18, 2006, relative to the rights to ground level retain space in the garage.

The Lease Agreement requires the Redeveloper to obtain a building permit for the proposed 12-story residential tower over the existing City-owned parking garage on or before June 1, 2007. Once the building permit is issued, the Redeveloper must repay the City for the \$2 Million of costs for design and construction of structural overbuild in the City-owned parking garage at Seventh Street and Broadway. The overbuild was designed to accept the 12-story tower, as designed by Broadway Development.

The Redeveloper anticipated that the demand for residential housing units in downtown Cincinnati would support the commencement of construction of residential units in the Air Rights on or prior to June 1, 2007. To date, Redeveloper has been unable to commence such construction due to the lack of demand for the units to be constructed in the Air Rights. In order to afford Redeveloper additional time to commence such construction, City and Redeveloper have agreed to amend the Lease Agreement and Amendment No. 1.

Amendment No. 2 will extend the date of commencement of construction of the residential tower to June 1, 2010.

RECOMMENDATION:

Department of Community Development and Planning staff recommend that City Planning Commission take the following action:

AUTHORIZE the City Manager to enter into Amendment No. 2 with Broadway Development 2001, Ltd. for the City-owned property at Seventh Street and Broadway Avenue in the Central Business District.

DISCUSSION

Mr. Tarbell stated that he wanted to have a discussion regarding the extension of the Contract Agreement with Broadway Development 2001, Ltd. He stated that the parking garage was constructed with City funds and questioned whether Broadway Development had fulfilled their obligations.

Mr. Patrick Ewing, of the Economic Development Department, stated that the City provided \$8 million for the garage at the southwest corner of Eighth and Sycamore Streets. He stated that the City owns and operates the garage and collects all receipts. The garage is full every day. He also said that the City has a parking agreement with Broadway Development for their residents at Sycamore Place to park in the smaller City garage on Seventh Street.

Mr. Tarbell wanted to know what incentive there was for the City to continue the contract for additional years with Broadway Development.

Mr. Ewing stated that there is no financial commitment from Broadway Development. He explained that the garage was built and fortified to accept a structure above it. The agreement with Broadway Development specifies that the extra money spent to reinforce the garage would be repaid once construction of the building above the garage is done. He added that no other developer has approached the City with interest in building a structure above the garage.

Mr. Mooney stated that he felt that it would be appropriate to advertise the opportunity to check the level of interest but indicated that he would also consider the current developer.

Mr. Schneider stated that Mr. Rick Kimbler, of Broadway Development, 2001 Ltd. had been present at the meeting but left after Item #3 had been passed earlier. He said that he felt Mr. Kimbler should be given the opportunity to hear the discussion and present his case to the Planning Commission. Mr. Mooney agreed and suggested the Item be tabled until the next meeting.

Mr. Schneider asked how condominium units were selling in the downtown district. Mr. Ewing answered that the absorption rate is improving. About 55 units per year are closing. He stated that the building over the garage was programmed for 114 units.

Mr. Schneider asked if Broadway Development would be required to repay the City if they abandoned the project. Mr. Ewing explained that a clause in the agreement requires the developer to pay \$2 million back to the City when he pulls building permits. If the City doesn't extend the agreement, the City will forgo the \$2 million. Also, a new developer would have to make a building fit the existing footprint.

Mr. Tarbell stated that he was concerned that since Broadway Development was using the garage to provide parking for their other properties at a discounted rate there would be little incentive to build the condominiums. He stated that the location is outstanding and offers many possibilities.

Mr. Faux asked how the residential portion of The Banks project figures into the market. Mr. Dohoney stated that the exact number of residential units that would be built in The Banks project was in flux and that there is a market for people to live on the river. He stated that he felt the Commission should be sensitive to process and that he felt Mr. Kimbler had the right to hear the discussion. He said he hoped the discussion would be halted soon to afford Mr. Kimbler that opportunity.

Mr. Ewing reminded the Planning Commission that the Item was referred from Council Committee and was on their calendar. Mr. Mooney stated that it was an option to let things stand and allow it to proceed to Council where Mr. Tarbell could voice his concerns. Mr. Tarbell stated that the Planning Commission was a better forum.

Mr. Schneider stated that he lives in the neighborhood and felt 114 units was very ambitious. Mr. Tarbell asked if that number was mandatory. Mr. Ewing stated that he was not certain of the requirements and would check on the matter. He stated that the original plan was for a fifteen-story tower with large units. Economic factors killed that deal. Now the developer needs to redesign the project.

Mr. Ewing stated that the garage was not built specifically for this developer and at the time the garage was built, it was part of a plan for the City to build three garages, one at Seventh and Broadway, one at Seventh and Vine and another at Fifth and Race. This was the only garage that was built. Mr. Ewing stated that he would notify Mr. Kimbler and would return to the next meeting.

Mr. Tarbell stated that he felt the development at this site was the lynchpin for development of the other lots in the area.

Motion: Mr. Mooney moved to rescind approval of Item #3 and have staff report back in two weeks with the developer present to answer questions.

Second: Mr. Tarbell

Ayes: Mr. Faux, Mr. Mooney, Mr. Tarbell and Mr. vom Hofe.
Nays: Mr. Schneider and Mr. Dohoney, **motion carried**

ADJOURN

Motion: Mr. vom Hofe moved to adjourn.
Second: Mr. Mooney
Ayes: Mr. Faux, Mr. Mooney, Mr. Tarbell, Mr. Dohoney, Mr. vom Hofe and Mr. Schneider
Nays: None, **motion carried**

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____